IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

ROSIE M. SMITH,)
Plaintiff,)
v.) Civil Action No. 3:05cv0478
MICHAEL J. ASTRUE, Commissioner of Social Security,) Judge Thomas A. Wiseman, Jr.
Defendant.	}

ORDER AND FINAL JUDGMENT

This case was referred to United States Magistrate Judge Juliet Griffin pursuant to 28 U.S.C. § 636(b)(1)(B). Subsequently, Plaintiff Rosie M. Smith filed a motion for Judgment on the Administrative Record, seeking an order reversing the determination of the Administrative Law Judge ("ALJ") or, in the alternative, remand of this matter pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. No. 13.) After that motion was fully briefed, Magistrate Judge Griffin filed a Report and Recommendation ("R&R") recommending that Plaintiff's motion be denied and that the decision of the Commissioner be affirmed. (Doc. No. 18.) Plaintiff has filed a timely objection to the Magistrate Judge's R&R. (Doc. No. 19.)

Having reviewed the entire record *de novo* and for the reasons explained in the accompanying Memorandum Opinion, the Court finds that the ALJ failed to give "good reasons" for the weight he assigned to Plaintiff's treating source's opinions and that the weight assigned by the ALJ to the opinions of the non-examining state psychologist was not justified. The Court therefore **REJECTS** the Magistrate's R&R. Although an immediate award of benefits is not warranted, the Court hereby **GRANTS** Plaintiff's Motion for Judgment on the Administrative Record (Doc. No. 13) insofar as Plaintiff requests remand pursuant to sentence four of 42 U.S.C. § 405(g). The Commissioner's decision denying benefits is therefore **VACATED** and this matter **REMANDED** for further proceedings consistent with this opinion.

It is so **ORDERED**.

This is a final judgment for purposes of Fed. R. Civ. P. 58.

Thomas A. Wiseman, Jr. Senior U.S. District Judge